

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DK LIPA LLC,

Plaintiff,

-against-

No: 20-cv-4273 (LGS) (DCF)

MISF SOLAR LLC, PROJECT NY LLC, MASTIC  
INDUSTRIAL SOLAR LLC, GERALD  
ROSENGARTEN, HOWARD ROSENGARTEN, SION  
SOHAYEGH, BIJOUN KAYPOUR, ARTUR MADEJ,  
THOMAS FALZ, ULRICH FALZ, and MARKUS  
FALZ,

Defendants  
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**NOTICE OF MOTION TO  
DISMISS THE COMPLAINT**

**PLEASE TAKE NOTICE**, that upon the annexed Declaration of James M. Wicks, dated November 23, 2020, the exhibits annexed thereto, the accompanying Memorandum of Law, and upon all of the pleadings and prior proceedings herein, defendants MISF Solar, LLC, Mastic Industrial Solar, LLC, Gerald Rosengarten, Howard Rosengarten, Sion Sohayegh, Bijoun Kaypor, Markus Falz and Ulrich Falz (collectively, "Defendants"), by their respective undersigned counsel, will move this Court, before the Honorable Lorna G. Schofield, at Courtroom 1106, 40 Centre Street, New York, New York 10007, on January 26, 2021 at 9:30 a.m., or as soon thereafter as counsel may be heard, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint of plaintiff DK LIPA in its entirety with prejudice, and for such other and further relief as the Court deems just and proper.

Dated: Uniondale, New York  
November 24, 2020

FARRELL FRITZ, P.C.

By: *s/ James M. Wicks*  
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